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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,967	01/09/2002	Andrew J. Bernoth	BLD920010010US1 (14550)	6679
7590	10/18/2006		EXAMINER ADHAMI, MOHAMMAD SAJID	
Steven Fischman, Esq. Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/042,967	Applicant(s) BERNETH, ANDREW J.	
	Examiner Mohammad S. Adhami	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's Amendment filed 7/20/2006 is acknowledged.
- Claims 1,6 and 11 have been amended.
- Claim 18 has been added.
- Claims 1-18 are pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not adequately disclose how the method/system/device of claims 1,6, and 11 operate. The method/system/device of how a substitute filter is identified is not adequately disclosed.

The process of matching the pre-written filter files with the specifically written filter as claimed in claims 2,3,7,8,12 and 18 is not defined in the specifications, nor is a pre-defined test for carrying out this process.

The predefined set of criteria in claims 4,9,14 and 18 is not supported in the specifications.

Searching for identified defined features as recited in claims 5,10, and 15 is not supported in the specifications.

3. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As amended, claims 1,6 and 11 recite "said pre-written filters are written before the specifically written filter is written." After carefully examining the instant disclosure, the examiner respectfully submits that support for this amendment is lacking and the addition of said limitation is new matter. The specification discloses a new specifically written filter, but there is no comparison made with regards to the pre-written filter being written before the specifically written filter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hong (US App. 2004/0213233).

Re claim 1 (as best understood):

Hong discloses *providing a set of pre-written filters within one or more files* (Fig.9 ref.S905 where the routes in the network topology information are a "set of pre-written filters").

Hong further discloses *providing a router filter written specifically for the router* (Fig.9 S905 where the routes in the previous routing table is a "filter written specifically").

Hong further discloses *the pre-written filters being written before the specifically written filter* (Fig.9 S905 where the network topology information is there before the specific routing table is written).

Hong further discloses *running a program on a computer to determine if any of the pre-written filter files matches, according the given criteria, the specifically written filter* (Fig.9 ref.S905 where the routing table is reconstructed to replace the previous "written filter" and the routes in the network topology ("pre-written filter") are used to identify some of the routes on the topology to substitute and Para.[0033] where all possible routes are computed and the routes kept from the previous topology are routes that match the specifically written filter).

Hong further discloses *if one of the pre-written filters is found to match the specifically written filter, then loading one of the pre-written filters onto the router*

(Fig.9 ref.S907 where the compared routes that are kept from the old topology are pre-written filters that are found to match the specifically written filter).

Hong further discloses *using one of the pre-written filters to determine how the router routes data* (Fig.9 ref S907 where a router uses routes to route data).

Re claims 6,11 and 13 (as best understood):

Hong discloses *providing a set of pre-written filters within one or more files* (Fig.9 ref.S905 where the routes in the network topology information are a "set of pre-written filters").

Hong further discloses *providing a router filter written specifically for the router* (Fig.9 S905 where the routes in the previous routing table is a "filter written specifically").

Hong further discloses *the pre-written filters being written before the specifically written filter* (Fig.9 S905 where the network topology information is there before the specific routing table is written).

Hong further discloses *running a program on a computer to identify one or more pre-written filter files as a substitute for the specifically written filter* (Fig.9 ref.S905 where the routing table is reconstructed to replace the previous "written filter" and the network topology ("pre-written filter") is used to identify some of the routes on the topology to substitute).

Hong further discloses *loading one of the pre-written filters onto the router* (Fig.9 ref.S907).

Re claims 2-5,7-10,12,14, and 15 (as best understood):

Hong discloses *running a computer program to identify which one of the pre-written filters most closely matches the specifically written filter, according to a pre-defined test and criteria or features* (Abstract "The present invention performs BFRA (bounded Flooding Routing Algorithm) on a network topology information provided by a network management system to form a routing table" where the criteria (or feature) is the cost of the link and the cost is calculated and then used).

Re claim 16 (as best understood):

Hong discloses *loading both the pre-written and specifically written filter onto the router* (Fig.9 S905 and Fig.9 ref.S907 where both are stored).

Re claim 17 (as best understood):

Hong discloses *a group of individuals providing a plurality of router filters written specifically for the router* (Para.[0004] "it is needed to provide various yes distinguished services from other existing services to meet a user's expectations" where the specifically written filter is based on provided user expectations).

Hong further discloses *identifying for each specifically written filter a match in the pre-written filter* (Abstract "The present invention performs BFRA (bounded Flooding Routing Algorithm) on a network topology information provided by a network management system to form a routing table").

Hong further discloses *the pre-defined set of criteria being determined at the time the program is run and by a group of individuals* (Para.[0004] "it is

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needed to provide various yes distinguished services from other existing services to meet a user's expectations" where the user's expectations are used in the criteria).

Re claim 18 (as best understood):

Hong discloses *the loading step including loading one of the pre-written filters onto the router* (Para.[0033] where the routes from the previous topology that remain are loaded into the router).

Hong further discloses *if no match is found, then creating a data structure entry for the specifically written filters and loading that filter onto the router* (Para.[0033] where no match is found, then a new route is added to the routing table and the router).

Response to Arguments

6. Applicant's arguments filed 7/20/2006 have been fully considered but they are not persuasive.

In the remarks on pg. 9, Applicant contends that the specifications enables the claims rejected under 112 1st paragraph.

The Examiner respectfully disagrees. An enablement rejection stands because "The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, and concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same

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and shall set forth the best mode contemplated by the inventor of carrying out his invention." The specification fails to adequately disclose the above stated limitations.

In the remarks on pg.10, Applicant contends that Hong does not compare a given filter with pre-written filters, which are filters written before the given filter is written, to identify a match for that given filter.

The Examiner respectfully disagrees. In Hong, all possible routes are computed and then they are compared to routes in a routing table (see Hong Para.[0033]). The routes that are kept from the previous topology are routes that were written before the specifically written filter.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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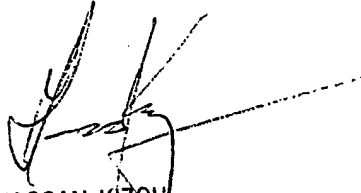
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad S. Adhami whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSA 10/16/2006


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